

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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GABRIEL SMITH,

Plaintiff,

-against-

ORDER

18-CV-00158(JMA)(ARL)

HEMPSTEAD DISTRICT COURT, et al.,

Defendants.

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AZRACK, District Judge:

By Order dated July 26, 2019 (the “Order”), incarcerated *pro se* plaintiff Gabriel Smith (“plaintiff”) was ordered to show cause, in writing within thirty (30) days, why there is good cause for his failure to timely serve the summonses and complaint upon the defendants. The Order cautioned plaintiff “that a failure to respond to this order or a failure to demonstrate good cause will lead to the dismissal of the complaint without prejudice pursuant to Federal Rule of Civil Procedure 41(b).” (See Docket Entry 20 at 2.) To date, plaintiff has not responded to the Order, nor has plaintiff otherwise communicated with the Court. Accordingly, it appears that plaintiff has abandoned this case and it is thus dismissed without prejudice pursuant to Federal Rule of Civil Procedure 41(b). This case is also dismissed without prejudice pursuant to Federal Rule of Civil Procedure 4(m) for failure to serve the summonses and complaint upon the defendants in accordance with Rule 4(m).

The Court certifies pursuant to 28 U.S.C. § 1915(a)(3) that *in forma pauperis* status for the purpose of an appeal from this order would not be taken in good faith and therefore *in forma pauperis* status is denied. *See Coppededge v. United States*, 369 U.S. 438, 444-45 (1962).

The Clerk of the Court is directed to mail a copy of this Order to the petitioner at his last known address, record such service on the docket, and to close this case.

SO ORDERED.

Dated: September 13, 2019
Central Islip, New York

/s/ (JMA) _____
Joan M. Azrack
United States District Judge